

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:10-cv-00029-D

ROC F. SANSOTTA, *individually and as Trustee*)
and Executor of the Estate of Father Joseph Klaus,)
RALPH S. TOMITA, GLORIA H. TOMITA,)
CAROLE A. SHACKLEFORD, JAMES)
BREGMAN, LINDA ATSUS, and GEORGE D.)
RUSIN,)

Plaintiffs,)

v.)

TOWN OF NAGS HEAD, N.C.,)

Defendant.)

ORDER ON BILL OF COSTS

On March 28, 2012, the court granted in part defendant's motion for summary judgment [D.E. 137], and judgment was entered in favor of defendant [D.E. 138]. On April 11, 2012, defendant filed a motion for bill of costs [D.E. 139]. The plaintiffs did not respond, and the matter is now ripe for determination.

Defendant seeks \$1,406.80 in costs under Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 54.1 as the prevailing party in this action. See Fed. R. Civ. P. 54(d)(1) ("Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party."). Federal courts may assess only those costs specified in 28 U.S.C. § 1920. See *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 301 (2006); *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 441-42 (1987).

A. Fees of the Clerk

Defendant seeks \$350.00 for the filing fee cost incurred in removing this action from state

court. The prevailing party may recover fees of the clerk as taxable costs. See 28 U.S.C. § 1920(1). Accordingly, defendant is awarded \$350.00 in filing fee costs.

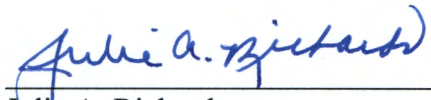
B. Fees for Transcripts

Defendant seeks \$1,056.80 in deposition transcript costs. “Fees for printed or electronically recorded transcripts necessarily obtained for use in the case” may be taxed as costs. 28 U.S.C. § 1920(2). Normally, multiple copies of deposition transcripts are not taxed. See Local Civil Rule 54.1(c)(2)(b); Farrar & Farrar Dairy, Inc. v. Miller-St. Nazianz, Inc., No. 5:06-CV-160-D, 2012 WL 776945, at *5 (E.D.N.C. Mar. 8, 2012) (disallowing costs for a copy of a deposition transcript in addition to the original). Defendant seeks only the cost of the original transcript and not the cost of the additional copy. Accordingly, defendant is awarded \$1,056.80 in deposition transcript costs.

CONCLUSION

In summary, as the prevailing party and pursuant to 28 U.S.C. § 1920, the defendant is awarded \$350.00 in filing fee costs and \$1,056.80 in transcript costs. Total costs in the amount of \$1,406.80 are taxed against plaintiffs and shall be included in the judgment.

SO ORDERED. This 25th day of January 2013.



Julie A. Richards
Clerk of Court